

DETAILED ACTION

1. Claims 1-14 and 22-28, as amended on 11/7/2006, are pending in the instant Office action. This Office action is responsive to the Appeal Brief filed 12/3/2007. The Examiner has carefully and fully considered the Arguments submitted in the Appeal Brief, and Applicant's arguments have been found persuasive, as discussed infra. The grounds of rejection presented in the Final Office action of 2/7/2007 have been withdrawn. Accordingly, the instant Application is in condition for **Allowance**.

Response to Arguments

2. Applicant's arguments, see the second paragraph beginning on page 10 through the first paragraph beginning on page 11 of the Appeal Brief filed 12/3/2007 in combination with lines 11-26 of page 16 of the specification, with respect to the rejection of claims 1-14 and 22-28 under 35 USC 112 first paragraph, have been fully considered and are persuasive. The rejection of claims 1-14 and 22-28 under 35 USC 112 first paragraph has been withdrawn.

3. Applicant's arguments, see the second paragraph beginning on page 3 of the Petition under 37 CFR 1.181 submitted 1/22/2007, with respect to the objection to the drawings, have been fully considered and are persuasive. The objection to the drawings presented in the Final office action dated 2/7/2007 has been withdrawn.

Reasons for Allowance

4. **Claims 1-14 and 22-28** are allowed.

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5. **Claim 1** recites the limitations "*atomically interrogating the indicators again, and if none are dirty moving on to collect a next scheduled group of memory sections*" and "*if at least one indicator is dirty, preserving the indicators as just interrogated before moving on to another group of memory sections distant from the next scheduled group*".

These limitations, in combination with the other recited limitations of claim 1, are not taught or suggested by the prior art of record.

6. **Claims 2-7** are dependent from claim 1, and are considered allowable for at least the same reasons as claim 1.

7. **Claim 8** recites the limitations "*means for atomically interrogating the indicators again, and if none are dirty moving on to collect a next scheduled group of memory sections*" and "*if at least one indicator is dirty, means for preserving the indicators as just interrogated before moving on to another group of memory sections distant from the next scheduled group*". These limitations, in combination with the other recited limitations of claim 8, are not taught or suggested by the prior art of record.

8. **Claims 9-14** are dependent from claim 8, and are considered allowable for at least the same reasons as claim 8.

9. **Claim 22** recites the limitations "*atomically interrogating the indicators again, and if none are dirty moving on to collect a next scheduled group of memory sections*" and "*if at least one indicator is dirty, preserving the indicators as just interrogated before moving on to another group of memory sections distant from the next scheduled group*". These limitations, in combination with the other recited limitations of claim 22, are not taught or suggested by the prior art of record.

10. **Claims 23-28** are dependent from claim 22, and are considered allowable for at least the same reasons as claim 22.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JARED I. RUTZ whose telephone number is (571)272-5535. The examiner can normally be reached on M-F 8:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Donald Sparks/
Supervisory Patent Examiner, Art Unit 2187

Jared I Rutz
Examiner
Art Unit 2187